

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Mousa et al.

Group Art Unit: 1614

Application No.: 10/776,383

Examiner: Kwon, Brian Yong S.

Filing Date: 02/11/2004

Docket No.: MOUSA-6043

Title: **METHOD FOR TREATING OCCLUSIVE VASCULAR DISEASES & WOUND  
HEALING**

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Commissioner for Patents & Trademarks

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**RESPONSE TO RESTRICTION REQUIREMENT**

**AND PRELIMINARY AMENDMENT**

Applicants respond herein to the restriction requirement mailed 10/21/2008 and also request entry of the included preliminary amendment of the claims.

In response to the Restriction Requirement mailed on October 21, 2008, Applicants hereby elect Species of: e) a growth factor and ii) vascular endothelial growth factor.

Claims 31-41, 46-47, 49, and 61 read on the elected species e) i). Claims 31-41, 46-47, and 49 are generic to the elected species e) i).

Applicants respectfully contend that the species restriction is improper, because the three species of Species e), f), and g) are not mutually exclusive. See MPEP § 806.04(f) which asserts: "Claims to be restricted to different species must be mutually exclusive".

Claim 39 recites "and combinations thereof" which demonstrates that the three species e), f), and g) can coexist in the composition and are thus not mutually exclusive. Similarly, claims 46-49 each recite at least two species of the three species coexisting in the claimed composition, which demonstrates that the three species are not mutually exclusive.

Accordingly, Applicants respectfully request that the species requirement be withdrawn for requiring election from Species e), d), and f).